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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PARTY OF THE WORLD

Report of the Special Rapporteur on the situation of Human Rights in Iraq, Mr. Andreas Mavrommatis

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Introduction

1 Following the resignation of Mr. Max van der Stoel, the Chairperson of the Commission on Human Rights, after consultations with members of the Bureau of the fifty-fifth session of the Commission, appointed Mr. Andreas Mavrommatis (Cyprus) to the post of Special Rapporteur on the situation of human rights in Iraq. Mr. Mavrommatis accepted the appointment on 22 December 1999 and took up his functions upon arrival in Geneva in mid-January 2000.

2 The Special Rapporteur wishes from the outset to express his appreciation to his predecessor, Mr. Max van der Stoel, for the considerable work performed in the fulfilment of the mandate, and for the valuable advice and opportunity to exchange views on how to approach the difficult task entrusted to him.

3 Although in paragraph 4 (a) of its resolution 1999/14 the Commission requested the Special Rapporteur to submit a report on the situation of human rights in Iraq to the present session of the Commission, the lateness of his appointment and the fact that he had very little time to do anything beyond initial briefings, made a proper assessment of the situation of human rights in Iraq and the preparation of a detailed report impossible. The Special Rapporteur decided instead to present a brief summary of his activities and initial observations. Even then, in view of the deadline for the submission of the present document, the Special Rapporteur was not in a position to review and analyse the information received during his recent missions to Geneva and New York in order to ensure that issues brought to his attention on those occasions were properly reflected herein. Members of the Commission may wish to consult the last report of the former Special Rapporteur (A/54/466), covering the period February to October 1999, which he submitted to the General Assembly.

4 The Special Rapporteur set the following priorities in discharging his functions:

(a) To be fully apprised of all previous activities carried out in connection with his mandate and study the relevant documentation;

(b) To consult with officials of the Office of the High Commissioner for Human Rights and other agencies on matters connected with his mandate and ensure the highest degree of cooperation and coordination;

(c) To embark upon a dialogue with the Government of Iraq on the question of violations of human rights;

(d) To be fully briefed on the political, humanitarian and human rights aspects of the situation in Iraq, including the sanctions regime imposed by the Security Council;

I. ACTIVITIES OF THE SPECIAL RAPPORTEUR

5 The Special Rapporteur travelled on mission to Geneva from 10 to 13 January 2000 for the first round of consultations with the Chairperson of the Commission on Human Rights, the

United Nations High Commissioner for Human Rights and officials of her Office. The Special Rapporteur also had meetings with officials of the International Committee of the Red Cross and of the Office of the United Nations High Commissioner for Refugees, at which he discussed issues connected with his mandate as well as matters of cooperation and coordination.

6. In Geneva, the Special Rapporteur had a meeting with the Deputy Permanent Representative, in the absence of the Permanent Representative, of Iraq, which was characterized by the Permanent Mission of Iraq as informal. During the meeting it was agreed that there should be a formal meeting with the Ambassador upon his return, during which, *inter alia*, the question of the possibility of a visit would be discussed.

7. The Special Rapporteur visited United Nations Headquarters from 28 February to 3 March 2000 in order to be brought up to date on the political, humanitarian and human rights aspects of the situation in Iraq. In New York he met with the Secretary-General and other members of the Secretariat, who briefed him on recent developments regarding the situation in Iraq, with particular reference to the issue of economic sanctions and Security Council resolution 1284 (1999) of 17 December 1999, as well as prospects for its successful implementation. The Special Rapporteur also had a meeting with the Director of the United Nations Iraq Programme, who spoke about the programme and the difficulties encountered in its implementation, as well as hopeful signs that had been manifested in the wake of resolution 1284. The Special Rapporteur also met with the Humanitarian Coordinator for Iraq who briefed him on matters connected with the implementation of the "oil-for-food" programme within Iraq.

8. An important round of meetings was held with permanent representatives, ambassadors and Iraq desk officers of permanent missions of members of the Security Council who spoke about the political as well as the humanitarian situation in Iraq, giving their views on the present situation as well as on expected developments.

9. Finally, the Special Rapporteur had meetings with representatives of international non-governmental organizations who spoke about both alleged violations of human rights and the humanitarian issue.

10. On his way back from New York, the Special Rapporteur met with the Permanent Representative of Iraq to the United Nations Office at Geneva and formally requested the beginning of a dialogue on the situation of human rights in Iraq and on measures to improve it. The Special Rapporteur also made a formal request to be invited, as soon as possible, to visit the country in order that he might study, *in situ*, the human rights situation. The Permanent Representative, whilst welcoming the Special Rapporteur's appointment and expressing readiness with regard to future dialogue, said that he would refer the request for an official visit to the Iraqi authorities.

11. During his stopover in Geneva, the Special Rapporteur also had meetings with the Permanent Representative of Kuwait, and discussed with him mainly the question of missing persons. The Permanent Representative invited the Special Rapporteur to visit Kuwait and meet officials, relatives of missing persons and others.

12. During his first few months in office the Special Rapporteur continued receiving communications from individuals and national and international non-governmental organizations on human rights violations by the Government of Iraq. The Special Rapporteur is working closely with the Office of the High Commissioner for Human Rights (OHCHR) to ensure that adequate attention and, when appropriate, follow-up are given to such communications.

13. The communications, whilst referring to violations of human rights, also describe the bleak humanitarian situation and the plight of innocent people in Iraq.

II. PRELIMINARY CONSIDERATIONS

14. The Special Rapporteur has prepared an intensive programme of engagements in order to discharge his mandate and carry out an in-depth assessment of the situation of human rights in Iraq, in accordance with the terms of Commission resolution 1991/74. He intends to submit an interim report to the General Assembly and a full report to the Commission at its next session. In particular, the Special Rapporteur is in the process of deepening analysis in three main areas which will also be the subject of his future reports:

(a) In-depth examination and verification of all allegations of violations of human rights by the Government of Iraq, in particular violations of the rights to life and physical integrity, and freedom from discrimination, arbitrary arrest and detention, and torture and other cruel and inhumane treatment. The Special Rapporteur counts on the assistance and cooperation of the Government of Iraq, other Governments and governmental and non-governmental organizations, as well as individuals, to assist him in verifying, in the coming months, the truthfulness of such allegations. To that effect a visit to Iraq and certain other neighbouring countries in the near future is considered to be of crucial importance;

(b) The Special Rapporteur is of the opinion that in examining allegations of violations of, in particular, economic, social and cultural rights such as the rights to food, housing, medical care, social services and education, regard should be given to all situations and actions that are directly or indirectly connected with such violations, including the effects of the economic sanctions on the enjoyment of these rights and the responsibility of the Government of Iraq in ensuring compliance with the relevant provisions to the International Covenant on Economic, Social and Cultural Rights. The conclusion the Special Rapporteur drew from all his contacts was that there exists in Iraq a grave humanitarian situation, given the country's shattered infrastructure and economy. The members of the Security Council are fully aware of that situation and have had it under review for a long time. As a result of this preoccupation, lengthy discussions were held that led, *inter alia*, to the adoption of Security Council resolution 1284.

That resolution seems to be helping to ameliorate the humanitarian situation to a great extent, mainly because it lifts the ceilings on exports of Iraqi oil and streamlines the procedure for approval of contracts for the purchase of certain items. It also appears that it would certainly further improve matters if more attention were paid to improving the country's infrastructure and accelerating the process of approval of contracts for the purchase of relevant supplies.

(c) The Special Rapporteur counts on the support of OHCHR in order to carry out his functions and to provide the necessary advice and support in following up his recommendations to improve the human rights situation in the country. Finally, the Special Rapporteur intends to hold intensive discussions with the High Commissioner for Human Rights so that they can have an integrated approach on issues connected to their respective mandates.